

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-11836-RCL**

Trans-Spec Truck Service Inc. v. Caterpillar Inc.  
Assigned to: Judge Reginald C. Lindsay  
Cause: 28:1332 Diversity-Product Liability

Date Filed: 08/23/2004  
Jury Demand: Both  
Nature of Suit: 195 Contract Product  
Liability  
Jurisdiction: Diversity

**Plaintiff**

**Trans-Spec Truck Service Inc.**  
*doing business as*  
Truck Service

represented by **Christian G. Samito**  
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V.

**Defendant**

**Caterpillar Inc.**

represented by **Sabrina DeFabritiis**  
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Date Filed	#	Docket Text

08/23/2004	<u>1</u>	COMPLAINT AND JURY CLAIM Filing fee: \$ 150, receipt number 58160, filed by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit A-C NOT SCANNED)(Stanhope, Don) (Entered: 08/24/2004)
08/23/2004		Summons Issued as to Caterpillar Inc.. (Stanhope, Don) (Entered: 08/24/2004)
08/23/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Stanhope, Don) (Entered: 08/24/2004)
08/23/2004	<u>2</u>	Plaintiff's MOTION for Preliminary Injunction by Trans-Spec Truck Service Inc..(Stanhope, Don) (Entered: 08/24/2004)
08/26/2004	<u>3</u>	AMENDED COMPLAINT against Caterpillar Inc. , filed by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit A-C NOT SCANNED) (Stanhope, Don) (Entered: 08/30/2004)
08/26/2004	<u>4</u>	Plaintiff's Amended Motion for Preliminary Injunction by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit A-B NOT SCANNED) (Stanhope, Don) (Entered: 08/30/2004)
08/27/2004	<u>5</u>	AFFIDAVIT of Joseph M. Howard, Jr. in Supplemental Support of <u>4</u> Plaintiff's Amended MOTION for Preliminary Injunction. (Stanhope, Don) (Entered: 08/30/2004)
08/31/2004	<u>6</u>	SUMMONS Returned Executed Caterpillar Inc. served on 8/24/2004, answer due 9/13/2004. (Stanhope, Don) (Entered: 09/01/2004)
09/07/2004	<u>7</u>	NOTICE of Appearance by Christopher Robert Howe on behalf of Caterpillar Inc. (Howe, Christopher) (Entered: 09/07/2004)
09/07/2004	<u>8</u>	NOTICE of Appearance by Richard P. Campbell on behalf of Caterpillar Inc. (Campbell, Richard) (Entered: 09/07/2004)
09/08/2004	<u>9</u>	NOTICE of Appearance by Sabrina DeFabritiis on behalf of Caterpillar Inc. (Stanhope, Don) (Entered: 09/09/2004)
09/09/2004	<u>10</u>	Defendant's Opposition to <u>4</u> Plaintiff's Amended MOTION for Preliminary Injunction. filed by Caterpillar Inc.. (Attachments: # <u>1</u> Exhibit A-G NOT SCANNED)(Stanhope, Don) (Entered: 09/13/2004)
09/09/2004	<u>11</u>	AFFIDAVIT of David B. Anderson in Support of <u>10</u> Defendant's Opposition to Plaintiff Amended Motion for a Preliminary Injunction. (Stanhope, Don) (Entered: 09/13/2004)
09/10/2004	<u>13</u>	AFFIDAVIT of Stephen W. Schoening in Support of <u>10</u> Defendant's Opposition to Plaintiff's Amended Motion for a Preliminary Injunction. (Stanhope, Don) (Entered: 09/13/2004)
09/10/2004	<u>14</u>	AFFIDAVIT of Troy Guidotti in Support of <u>10</u> Defendant's Opposition to Plaintiff's Amended Motion for a Preliminary Injunction. (Stanhope, Don) (Entered: 09/13/2004)
09/13/2004	<u>12</u>	Assented to MOTION for Extension of Time to 09/20/04 to File Answer

		re 3 Amended Complaint by Caterpillar Inc..(Howe, Christopher) (Entered: 09/13/2004)
09/16/2004	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting 12 Motion for Extension of Time to Answer Caterpillar Inc. to 9/20/04. (Hourihan, Lisa) (Entered: 09/16/2004)
09/20/2004	●15	ANSWER to Amended Complaint by Caterpillar Inc..(Howe, Christopher) (Entered: 09/20/2004)
09/21/2004	●	Judge Reginald C. Lindsay : Electronic ORDER entered denying 4 Plaintiff's Amended Motion for Preliminary Injunction by Trans-Spec Truck Service Inc. The plaintiff has failed to show irreparable harm in the absence of injunctive relief. (Lindsay, Reginald) (Entered: 09/21/2004)
09/21/2004	●	Judge Reginald C. Lindsay : Electronic ORDER entered terminating 2 Motion for Preliminary Injunction (Hourihan, Lisa) (Entered: 09/21/2004)
09/21/2004	●16	NOTICE of Scheduling Conference Scheduling Conference set for 10/27/2004 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 09/21/2004)
10/22/2004	●17	JOINT STATEMENT re scheduling conference. (Howe, Christopher) (Entered: 10/22/2004)
10/22/2004	●18	CERTIFICATION pursuant to Local Rule 16.1 by Trans-Spec Truck Service Inc..(Samito, Christian) (Entered: 10/22/2004)
10/25/2004	●19	CORPORATE DISCLOSURE STATEMENT by Caterpillar Inc.. (Howe, Christopher) (Entered: 10/25/2004)
10/25/2004	●20	CERTIFICATION pursuant to Local Rule 16.1 by Caterpillar Inc.. (Howe, Christopher) (Entered: 10/25/2004)
10/25/2004	●21	NOTICE of Appearance by John A.K. Grunert on behalf of Caterpillar Inc. (Grunert, John) (Entered: 10/25/2004)
10/27/2004	●22	CERTIFICATION pursuant to Local Rule 16.1 (D)(3) by Trans-Spec Truck Service Inc..(Samito, Christian) (Entered: 10/27/2004)
10/27/2004	●23	Document disclosure by Trans-Spec Truck Service Inc..(Samito, Christian) (Entered: 10/27/2004)
10/27/2004	●	Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay : Scheduling Conference held on 10/27/2004. Fact discovery due by 6/29/05. Plaintiff's expert disclosure due 7/27/05. Defendant's expert disclosure due 8/24/05. Rule 12, 15, 19, and 20 Motions due 3/23/05. Discovery due by 10/26/2005. Motions due by 11/22/2005. Court allows Plaintiff to take 12 depositions.(Court Reporter none present.) (Stanhope, Don) (Entered: 10/28/2004)
01/07/2005	●24	Joint MOTION to Extend Time in Which Discovery Response Are Due. by Trans-Spec Truck Service Inc., Caterpillar Inc..(Stanhope, Don) (Entered: 01/10/2005)

01/11/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>24</u> Motion for Extension of Time in Which Discovery Responses are Due (Hourihan, Lisa) (Entered: 01/11/2005)
03/15/2005	● <u>25</u>	MOTION to Compel <i>Answers to First Set of Interrogatories and First Request for Production of Documents to Defendant</i> by Trans-Spec Truck Service Inc..(Samito, Christian) (Entered: 03/15/2005)
03/15/2005	● <u>26</u>	CERTIFICATE OF CONSULTATION REGARDING MOTION OF PLAINTIFF TO COMPEL ANSWERS TO FIRST SET OF INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT by Christian G. Samito on behalf of Trans-Spec Truck Service Inc., Trans-Spec Truck Service Inc. by on behalf of Trans-Spec Truck Service Inc., Trans-Spec Truck Service Inc.. (Samito, Christian) (Entered: 03/15/2005)
03/15/2005	● <u>27</u>	MOTION to Compel <i>Interrogatory Responses</i> by Caterpillar Inc.. (Attachments: # (1))(Howe, Christopher) (Entered: 03/15/2005)
03/15/2005	● <u>28</u>	MEMORANDUM in Support of <u>27</u> MOTION to Compel Further Answers to <i>Interrogatory</i> filed by <i>Caterpillar Inc.. (Attachments: # 1 Exhibit A-B NOT SCANNED)</i> (Stanhope, Don) (Entered: 03/18/2005)
03/25/2005	● <u>29</u>	First Opposition re <u>27</u> MOTION to Compel <i>Interrogatory Responses</i> filed by Trans-Spec Truck Service Inc.. (Samito, Christian) (Attachments- Exhibits A-F) (Entered: 03/25/2005)
03/25/2005	● <u>30</u>	NOTICE by Trans-Spec Truck Service Inc. re <u>29</u> Opposition to Motion <i>NOTICE OF INTENT</i> (Samito, Christian) (Entered: 03/25/2005)
03/28/2005	● <u>31</u>	Joint MOTION for Protective Order by Caterpillar Inc.. (Attachments: # <u>1</u> Exhibit Stipulated Confidentiality Order)(Howe, Christopher) (Entered: 03/28/2005)
03/29/2005	● <u>32</u>	Joint MOTION for Extension of Time to 03/30/05 to File <i>Opposition to Motion to Compel</i> by Caterpillar Inc..(Howe, Christopher) (Entered: 03/29/2005)
03/30/2005	● <u>33</u>	NOTICE by Caterpillar Inc. <i>Notice of Intent</i> (Howe, Christopher) (Entered: 03/30/2005)
03/30/2005	● <u>34</u>	Opposition re <u>25</u> MOTION to Compel <i>Answers to First Set of Interrogatories and First Request for Production of Documents to Defendant</i> filed by Caterpillar Inc.. (Howe, Christopher) (Entered: 03/30/2005)
03/30/2005	● <u>35</u>	MOTION for Leave to File Excess Pages by Caterpillar Inc..(Howe, Christopher) (Entered: 03/30/2005)
03/31/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>32</u> Motion for Extension of Time to File Opposition to Plaintiff's Motion to Compel to 3/30/05 (Hourihan, Lisa) (Entered: 03/31/2005)
03/31/2005	● <u>36</u>	MOTION to Amend <i>Complaint and Local Rule 7.1 Certificate and</i>



		<i>Request Oral Argument</i> by Trans-Spec Truck Service Inc..(Samito, Christian) (Entered: 03/31/2005)
03/31/2005	<u>37</u>	NOTICE of Intent re <u>36</u> MOTION to Amend <i>Complaint and Local Rule 7.1 Certificate and Request Oral Argument</i> filed by Trans-Spec Truck Service Inc (Samito, Christian) (Entered: 03/31/2005)
03/31/2005	<u>38</u>	Judge Reginald C. Lindsay : ORDER entered. REFERRING MOTION <u>27</u> MOTION to Compel <i>Interrogatory Responses</i> filed by Caterpillar Inc., <u>31</u> Joint MOTION for Protective Order filed by Caterpillar Inc., to Magistrate Judge Joyce London Alexander(Stanhope, Don) (Entered: 03/31/2005)
04/05/2005	<u>39</u>	MOTION for Leave to File a <i>Reply to CAT's Opposition to the Motion of Trans-Spec Truck to Compel Answers to its First Set of Interrogatories and First Request for Production of Documents Propounded to Defendant CAT and Request for Oral Argument</i> by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit Reply to CAT, Inc.'s Opposition to the Motion of Trans-Spec Truck to Compel Answers to its First Set of Interrogatories and Request for Production of Documents Propounded to Defendant CAT & Request for Oral Argument)(Samito, Christian) (Entered: 04/05/2005)
04/06/2005		Judge Joyce London Alexander : Electronic ORDER entered granting <u>31</u> Motion for Protective Order (Brown, Rex) (Entered: 04/18/2005)
04/07/2005	<u>40</u>	Judge Reginald C. Lindsay : ORDER entered. REFERRING MOTION <u>39</u> MOTION for Leave to File a <i>Reply to CAT's Opposition to the Motion of Trans-Spec Truck to Compel Answers to its First Set of Interrogatories and First Request for Production of Documents Propounded to Defendant CAT and Request for Oral Argumen</i> filed by Trans-Spec Truck Service Inc., <u>25</u> MOTION to Compel Answers to First Set of Interrogatories and First Request for Production of Documents to Defendant filed by Trans-Spec Truck Service Inc., to Magistrate Judge Joyce London Alexander(Stanhope, Don) (Entered: 04/07/2005)
04/11/2005	<u>41</u>	Opposition re <u>39</u> MOTION for Leave to File a <i>Reply to CAT's Opposition to the Motion of Trans-Spec Truck to Compel Answers to its First Set of Interrogatories and First Request for Production of Documents Propounded to Defendant CAT and Request for Oral Argumen</i> filed by Caterpillar Inc.. (Grunert, John) (Entered: 04/11/2005)
04/12/2005	<u>42</u>	Opposition re <u>36</u> MOTION to Amend <i>Complaint and Local Rule 7.1 Certificate and Request Oral Argument</i> filed by Caterpillar Inc.. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> )(Grunert, John) (Entered: 04/12/2005)
04/18/2005		ELECTRONIC NOTICE of TELEPHONIC CONFERENCE on Motion <u>25</u> MOTION to Compel Answers to First Set of Interrogatories and First Request for Production of Documents to Defendant, <u>31</u> Joint MOTION for Protective Order, <u>27</u> MOTION to Compel <i>Interrogatory Responses</i> : TELEPHONIC CONFERENCE set for 4/27/2005 02:00 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander.

		(Brown, Rex) (Entered: 04/18/2005)
04/20/2005	43	First MOTION for Leave to File <i>Reply to Caterpillar Inc.'s Opposition to the Plaintiff's Motion to Amend the Complaint and Request for Oral Argument</i> by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit Exh 1 Reply to CAT Opposition# <u>2</u> Exhibit Exh A to Reply# <u>3</u> Exhibit Exhs B & C to Reply# <u>4</u> Exhibit Exhs D & E to Reply# <u>5</u> Exhibit Exhs F, G & H to Reply# <u>6</u> Exhibit Exh I to Reply)(Samito, Christian) (Entered: 04/20/2005)
04/21/2005	44	Opposition re 43 First MOTION for Leave to File <i>Reply to Caterpillar Inc.'s Opposition to the Plaintiff's Motion to Amend the Complaint and Request for Oral Argument</i> filed by Caterpillar Inc.. (Grunert, John) (Entered: 04/21/2005)
04/25/2005	45	Judge Reginald C. Lindsay : ORDER entered. REFERRING MOTION <u>36</u> MOTION to Amend <i>Complaint and Local Rule 7.1 Certificate and Request Oral Argument</i> filed by Trans-Spec Truck Service Inc., to Magistrate Judge Joyce London Alexander(Stanhope, Don) (Entered: 04/25/2005)
05/05/2005	46	Joint MOTION for Extension of Time to May 16, 2005 to File <i>Joint Statement with Respect to Discovery Disputes</i> by Caterpillar Inc.. (Grunert, John) (Entered: 05/05/2005)
05/05/2005		Judge Joyce London Alexander : Electronic ORDER entered granting <u>46</u> Motion for Extension of Time to File Joint Statement with respect to discovery issues to 5/16/2005. (Brown, Rex) (Entered: 05/05/2005)
05/16/2005	47	JOINT STATEMENT of counsel <i>with Respect to Discovery Disputes</i> . (Grunert, John) (Entered: 05/16/2005)
05/20/2005	48	Joint MOTION to Amend <i>Scheduling Order</i> by Trans-Spec Truck Service Inc..(Samito, Christian) (Entered: 05/20/2005)
05/20/2005	49	Judge Joyce London Alexander : ORDER entered granting <u>36</u> Motion to Amend, denying <u>43</u> Motion for Leave to File. Counsel using the Electronic Case Files system should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. (Brown, Rex) (Entered: 05/20/2005)
05/24/2005	50	AMENDED COMPLAINT <i>and Jury Claim</i> against Caterpillar Inc., filed by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibits B and C)(Samito, Christian) (Entered: 05/24/2005)
05/25/2005	51	MOTION to Dismiss <i>the Second Amended Complaint</i> by Caterpillar Inc.. (Howe, Christopher) (Entered: 05/25/2005)
05/25/2005	52	MEMORANDUM in Support re <u>51</u> MOTION to Dismiss <i>the Second Amended Complaint</i> filed by Caterpillar Inc.. (Howe, Christopher) (Entered: 05/25/2005)
05/26/2005		Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>51</u> Motion to Dismiss without prejudice because the moving party has failed

		to comply with Local Rule 7.1. (Hourihan, Lisa) (Entered: 05/26/2005)
05/26/2005	<u>53</u>	MOTION to Dismiss <i>Second Amended Complaint and Certificate of Conference</i> by Caterpillar Inc.. (Attachments: # <u>1</u> )(Grunert, John) Modified on 7/12/2005 to return motion to pending list.(Edge, Eugenia). (Entered: 05/26/2005)
05/31/2005	<u>54</u>	Judge Reginald C. Lindsay : ORDER entered. REFERRING MOTION <u>53</u> MOTION to Dismiss <i>Second Amended Complaint and Certificate of Conference</i> filed by Caterpillar Inc., to Magistrate Judge Joyce London Alexander(Hourihan, Lisa) (Entered: 05/31/2005)
06/01/2005		Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>48</u> Motion to Amend Scheduling Order (Hourihan, Lisa) (Entered: 06/01/2005)
06/01/2005		Set/Reset Scheduling Order Deadlines: Fact discovery due by 8/29/05. Plaintiff to disclose expert by 9/27/05. Defendant to disclose expert by 10/24/05. Discovery due by 12/23/2005. Motions due by 1/27/2006. (Hourihan, Lisa) (Entered: 06/01/2005)
06/03/2005	<u>55</u>	Opposition re <u>53</u> MOTION to Dismiss <i>Second Amended Complaint and Certificate of Conference</i> filed by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibit B# <u>3</u> Exhibit Exhibit C# <u>4</u> Exhibit Exhibit D# <u>5</u> Exhibit Exhibit E# <u>6</u> Exhibit Exhibit F# <u>7</u> Exhibit Exhibit G# <u>8</u> Exhibit Exhibit H# <u>9</u> Exhibit Exhibit I# <u>10</u> Exhibit Exhibit J# <u>11</u> Exhibit Exhibit K)(Samito, Christian) (Entered: 06/03/2005)
06/03/2005	<u>56</u>	MOTION to Strike <u>55</u> Opposition to Motion, by Caterpillar Inc.. (Grunert, John) (Entered: 06/03/2005)
06/06/2005	<u>57</u>	Opposition re <u>56</u> MOTION to Strike <u>55</u> Opposition to Motion, <i>to Strike Attachments to Plaintiff's Opposition to Caterpillar's Motion to Dismiss the Complaint and to Strike Portions of the Opposition Itself and Request for Oral Argument</i> filed by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit A)(Samito, Christian) (Entered: 06/06/2005)
06/07/2005	<u>58</u>	MEMORANDUM in Opposition re <u>53</u> MOTION to Dismiss <i>Second Amended Complaint and Certificate of Conference</i> filed by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> )(Flaherty, Elaine) (Entered: 06/07/2005)
06/21/2005	<u>59</u>	MOTION to Compel <i>Production of Documents and Certificate of Conference of Counsel</i> by Caterpillar Inc..(Grunert, John) (Entered: 06/21/2005)
06/21/2005	<u>60</u>	MEMORANDUM in Support re <u>59</u> MOTION to Compel <i>Production of Documents and Certificate of Conference of Counsel</i> filed by Caterpillar Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I) (Grunert, John) (Entered: 06/21/2005)
06/23/2005	<u>61</u>	MOTION for Extension of Time to July 5, 2005 to Assented-To Motion









		to Enlarge Time for Responding to Request for Admissions by Trans-Spec Truck Service Inc..(Samito, Christian) (Entered: 06/23/2005)
06/28/2005	61	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>61</u> Motion for Extension of Time to July 5, 2005 to Respond to Request for Admissions by Trans-Spec Truck Service Inc. (Hourihan, Lisa) (Entered: 06/28/2005)
06/28/2005	62	Judge Reginald C. Lindsay : ORDER entered. REFERRING MOTION <u>59</u> MOTION to Compel <i>Production of Documents and Certificate of Conference of Counsel</i> filed by Caterpillar Inc., to Magistrate Judge Joyce London Alexander(Hourihan, Lisa) (Entered: 06/28/2005)
06/28/2005	63	Opposition re <u>59</u> MOTION to Compel <i>Production of Documents and Certificate of Conference of Counsel</i> filed by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit A-D# <u>2</u> Exhibit E-I# <u>3</u> Exhibit J-K# <u>4</u> Exhibit L-O)(Samito, Christian) (Entered: 06/28/2005)
06/30/2005	64	MOTION for Leave to File <i>Reply Memorandum with Respect to Motion to Compel Discovery</i> by Caterpillar Inc..(Grunert, John) (Entered: 06/30/2005)
07/05/2005	65	ELCTRONIC NOTICE of Hearing on Motion <u>53</u> MOTION to Dismiss <i>Second Amended Complaint and Certificate of Conference</i> : Motion Hearing set for 7/21/2005 02:30 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Brown, Rex) (Entered: 07/05/2005)
07/07/2005	65	Assented to MOTION to Continue Hearing on Motion to Dismiss to 8/8/05 or after <i>Second Amended Complaint</i> by Caterpillar Inc..(Grunert, John) (Entered: 07/07/2005)
07/07/2005	66	Magistrate Judge Joyce London Alexander : ORDER entered granting <u>59</u> Motion to Compel (Hurley, Virginia) (Entered: 07/13/2005)
07/12/2005	65	Judge Joyce London Alexander : ENDORSED ORDER entered. Allowing <u>53</u> MOTION to Dismiss <i>Second Amended Complaint and Certificate of Conference</i> filed by Caterpillar Inc., Motion hearing rescheduled to August 10, 2005 @ 2:00pm. (Edge, Eugenia) (Entered: 07/12/2005)
07/12/2005	65	Notice of correction to docket made by Court staff. Correction: Motion to dismiss second amended complaint (#53) is pending corrected because: A ruling has not been entered on Motion #53. Order entered allowing (#65) Assented to Motion to reschedule hearing. ==> Motion Hearing rescheduled to 8/10/05 @ 2:00pm. (Edge, Eugenia) (Entered: 07/12/2005)
07/12/2005	65	Judge Joyce London Alexander : Endorsed ORDER entered. ENDORSEMENT re <u>65</u> Assented to MOTION to Continue Hearing on Motion to Dismiss to 8/8/05 or after <i>Second Amended Complaint</i> filed by Caterpillar Inc., Motion Hearing rescheduled for 8/10/05 @ 2:00pm. (Edge, Eugenia) (Entered: 07/12/2005)
08/08/2005	67	MOTION for Leave to File <i>Supplemental Memorandum in Opposition to</i>

		<i>Caterpillar, Inc.'s Motion to Dismiss</i> by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> # <u>2</u> )(Samito, Christian) (Entered: 08/08/2005)
08/10/2005	●	Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander : Motion Hearing held on 8/10/2005 re <u>53</u> MOTION to Dismiss <i>Second Amended Complaint and Certificate of Conference</i> filed by Caterpillar Inc. Court hears argument of counsel. Court takes matter under advisement. (Court Reporter CD Recording.) (Alba, Robert) (Entered: 08/10/2005)
08/12/2005	● <u>68</u>	Assented to MOTION to Amend <i>Scheduling Order</i> by Trans-Spec Truck Service Inc..(Samito, Christian) (Entered: 08/12/2005)
08/15/2005	● <u>69</u>	Assented to Motion to Amend scheduling Order (York, Steve) (Entered: 08/15/2005)
08/16/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>68</u> Motion to Amend Scheduling Order (Hourihan, Lisa) (Entered: 08/16/2005)
08/16/2005	●	Set/Reset Scheduling Order Deadlines: Fact discovery due by 9/29/05. Plaintiff to disclose expert by 10/27/05. Defendant to disclose expert by 11/23/05. Discovery due by 1/23/2006. Motions due by 2/27/2006. (Hourihan, Lisa) (Entered: 08/16/2005)
08/17/2005	● <u>70</u>	MOTION for Protective Order <i>With Respect to Unauthorized Third Set of Document Requests, and Certificate of Conference</i> by Caterpillar Inc.. (Grunert, John) Additional attachment(s) added on 8/25/2005 (York, Steve). Additional attachment(s) added on 8/25/2005 (York, Steve). (Entered: 08/17/2005)
08/17/2005	● <u>71</u>	MEMORANDUM in Support re <u>70</u> MOTION for Protective Order <i>With Respect to Unauthorized Third Set of Document Requests, and Certificate of Conference</i> filed by Caterpillar Inc.. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3)(Grunert, John) (Entered: 08/17/2005)
08/22/2005	● <u>72</u>	NOTICE of Withdrawal of Appearance Attorney Sabrina DeFabritiis terminated. (Grunert, John) (Entered: 08/22/2005)
08/22/2005	● <u>73</u>	NOTICE of Withdrawal of Appearance Attorney Christopher Robert Howe terminated. (Grunert, John) (Entered: 08/22/2005)
08/25/2005	● <u>75</u>	Assented to MOTION for Extension of Time to 09/07/05 to File Opposition to Caterpillar Inc.'s Motion for a Protective Order with Respect to Unauthorized Third Set of Document Requests by Trans-Spec Truck Service Inc..(Samito, Christian) (Entered: 08/25/2005)
08/26/2005	●	Notice of correction to docket made by Court staff. Correction: Document No. (74) Notice of Deposition was Deleted because: Document was Improperly filed with the Court and entered on Docket sheet:Discovery documents are not to be file with the court. (York, Steve) (Entered: 08/26/2005)
09/06/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>75</u>

		Motion for Extension of Time to 09/07/05 to File Opposition to Caterpillar Inc.'s Motion for a Protective Order with Respect to Unauthorized Third Set of Document Requests by Trans-Spec Truck Service Inc. (Hourihan, Lisa) (Entered: 09/06/2005)
10/07/2005	<u>76</u>	Assented to MOTION to Amend <i>Scheduling Order</i> by Trans-Spec Truck Service Inc..(Samito, Christian) (Entered: 10/07/2005)
10/26/2005	<u>76</u>	Judge Reginald C. Lindsay : ElectronicORDER entered granting in part and denying in part <u>76</u> Assented to MOTION to Amend Scheduling Order. The motion is granted to the extent that it seeks a change in the scheduling order. However, the scheduling order will be changed only to this extent: the deadline for expert reports from the plaintiff shall be December 7, 2005; the deadline for expert reports from the defendant shall be January 13, 2005; expert discovery shall be concluded by February 17, 2006; dispositive motions shall be filed not later than March 17, 2006. The modification granted today is the third of such modifications in this case. The court will grant no further requests for amendments to the scheduling order. (Lindsay, Reginald) (Entered: 10/26/2005)
11/02/2005	<u>77</u>	NOTICE of Appearance by Kevin G. Kenneally on behalf of Trans-Spec Truck Service Inc. (Kenneally, Kevin) (Entered: 11/02/2005)
12/13/2005	<u>78</u>	Letter/request (non-motion) from John K Grunert. (York, Steve) (Entered: 12/13/2005)
12/21/2005	<u>79</u>	MOTION for Protective Order by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit A-C# <u>2</u> Exhibit D-F# <u>3</u> Exhibit G# <u>4</u> Exhibit H (part I of 2)# <u>5</u> Exhibit H (part 2 of 2)# <u>6</u> Exhibit I-M)(Samito, Christian) (Entered: 12/21/2005)
12/23/2005	<u>80</u>	Opposition re <u>79</u> MOTION for Protective Order <i>and Request for Related Relief</i> filed by Caterpillar Inc.. (Attachments: # <u>1</u> Exhibit 1)(Grunert, John) (Entered: 12/23/2005)
12/23/2005	<u>81</u>	AFFIDAVIT in Support re <u>80</u> Opposition to Motion <i>for Protective Order by Plaintiff</i> . (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6# <u>7</u> Exhibit 7)(Grunert, John) (Entered: 12/23/2005)
01/03/2006	<u>82</u>	Judge Reginald C. Lindsay : Electronic ORDER entered. REFERRING MOTION <u>79</u> MOTION for Protective Order filed by Trans-Spec Truck Service Inc., to Magistrate Judge Joyce London Alexander(York, Steve) (Entered: 01/03/2006)
01/06/2006	<u>83</u>	Magistrate Judge Joyce London Alexander : ORDER entered granting in part and denying in part <u>79</u> Pltff's Motion for Protective Order (Lovett, Jarrett) (Entered: 01/06/2006)
01/31/2006	<u>84</u>	Magistrate Judge Joyce London Alexander : ORDER entered: REPORT AND RECOMMENDATIONS re <u>56</u> MOTION to Strike <u>55</u> Opposition to Motion, filed by Caterpillar Inc., <u>53</u> MOTION to Dismiss <i>Second</i>



		<i>Amended Complaint and Certificate of Conference</i> filed by Caterpillar Inc., Recommendation: ALLOW IN PART and DENY IN PART Caterpillar's Motion to Dismiss Trans-Spec's Second Amended Complaint, and ALLOW IN PART and DENY IN PART Caterpillar's Motion to Strike(Lovett, Jarrett) (Entered: 01/31/2006)
01/31/2006		Magistrate Judge Joyce London Alexander : Electronic ORDER entered finding as moot as having been resolved by the parties <u>39</u> MOTION for Leave to File a Reply to CAT's Opposition to the Motion of Trans-Spec Truck to Compel Answers to its First Set of Interrogatories and First Request for Production of Documents Propounded to Defendant CAT and Request for Oral Argument by Trans-Spec Truck Service Inc., finding as moot as having been resolved by the parties <u>70</u> MOTION for Protective Order With Respect to Unauthorized Third Set of Document Requests, and Certificate of Conference by Caterpillar Inc, finding as moot as resolved by the parties <u>25</u> MOTION to Compel Answers to First Set of Interrogatories and First Request for Production of Documents to Defendant by Trans-Spec Truck Service Inc., finding as moot as having been resolved by the parties <u>27</u> MOTION to Compel Interrogatory Responses by Caterpillar Inc. (Lovett, Jarrett) (Entered: 02/01/2006)
01/31/2006		Magistrate Judge Joyce London Alexander : Electronic ORDER entered granting <u>35</u> MOTION for Leave to File Excess Pages by Caterpillar Inc., granting <u>64</u> MOTION for Leave to File Reply Memorandum with Respect to Motion to Compel Discovery by Caterpillar Inc., granting <u>67</u> MOTION for Leave to File Supplemental Memorandum in Opposition to Caterpillar, Inc.'s Motion to Dismiss by Trans-Spec Truck Service Inc. Counsel using the Electronic Case Files system should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. (Lovett, Jarrett) (Entered: 02/01/2006)
02/09/2006		Supplemental MEMORANDUM in Opposition re <u>53</u> MOTION to Dismiss <i>Second Amended Complaint and Certificate of Conference</i> filed by Trans-Spec Truck Service Inc.. (Samito, Christian) (Entered: 02/09/2006)
02/09/2006		OBJECTION to <u>84</u> Report and Recommendations <i>on the Defendant's Motion to Dismiss and Motion to Strike</i> filed by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibit B# <u>3</u> Exhibit Exhibit C# <u>4</u> Exhibit Exhibit D# <u>5</u> Exhibit Exhibit E# <u>6</u> Exhibit Exhibit F# <u>7</u> Exhibit Exhibit G-Part 1 of 2# <u>8</u> Exhibit Exhibit G-Part 2 of 2# <u>9</u> Exhibit Exhibit H# <u>10</u> Exhibit Exhibit I)(Samito, Christian) (Entered: 02/09/2006)
02/09/2006		Emergency MOTION to Compel <i>Production of Documents and to Extend Discovery Period</i> by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G)(Samito, Christian) (Entered: 02/09/2006)
02/10/2006		RESPONSE to Motion re <u>87</u> Emergency MOTION to Compel



		<i>Production of Documents and to Extend Discovery Period</i> filed by Caterpillar Inc.. (Attachments: # <u>1</u> Exhibit Correspondence dated 1/17/06 from Nancy Reimer to John Grunert# <u>2</u> Exhibit Excerpt of Deposition of Jack Ekchian pgs 177-180# <u>3</u> Exhibit Scheduling Order dated 10/26/05 from Judge Lindsey)(Grunert, John) (Entered: 02/10/2006)
02/17/2006	<u>89</u>	Letter/request (non-motion) from John Grunert. (Grunert, John) (Entered: 02/17/2006)
02/17/2006	<u>90</u>	MOTION for Sanctions , <i>and Certificate of Conference</i> by Caterpillar Inc..(Grunert, John) (Entered: 02/17/2006)
02/17/2006	<u>91</u>	MEMORANDUM in Support re <u>90</u> MOTION for Sanctions , <i>and Certificate of Conference</i> filed by Caterpillar Inc.. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6# <u>7</u> Exhibit 7)(Grunert, John) (Entered: 02/17/2006)
02/22/2006	<u>92</u>	MOTION to Strike <u>86</u> Objection to Report and Recommendations, by Caterpillar Inc..(Grunert, John) (Entered: 02/22/2006)
02/22/2006	<u>93</u>	MEMORANDUM in Support re <u>92</u> MOTION to Strike <u>86</u> Objection to Report and Recommendations, filed by Caterpillar Inc.. (Grunert, John) (Entered: 02/22/2006)
02/22/2006	<u>94</u>	REPLY TO OBJECTION to <u>84</u> Report and Recommendations <i>on Defendant's Motion to Dismiss and Motion to Strike</i> filed by Caterpillar Inc.. (Grunert, John) (Entered: 02/22/2006)
02/23/2006	<u>95</u>	Opposition re <u>90</u> MOTION for Sanctions , <i>and Certificate of Conference</i> filed by Trans-Spec Truck Service Inc.. (Samito, Christian) (Entered: 02/23/2006)
02/23/2006	<u>96</u>	AFFIDAVIT of Christian G. Samito in Opposition re <u>90</u> MOTION for Sanctions , <i>and Certificate of Conference</i> filed by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit A-Part 1 of 3# <u>2</u> Exhibit A-Part 2 of 3# <u>3</u> Exhibit A-Part 3 of 3# <u>4</u> Exhibit B# <u>5</u> Exhibit C# <u>6</u> Exhibit D# <u>7</u> Exhibit E# <u>8</u> Exhibit F)(Samito, Christian) (Entered: 02/23/2006)
02/23/2006	<u>97</u>	AFFIDAVIT of Nancy M. Reimer in Opposition re <u>90</u> MOTION for Sanctions , <i>and Certificate of Conference</i> filed by Trans-Spec Truck Service Inc.. (Samito, Christian) (Entered: 02/23/2006)
02/23/2006	<u>98</u>	MOTION for Hearing re <u>90</u> MOTION for Sanctions , <i>and Certificate of Conference</i> by Caterpillar Inc..(Grunert, John) (Entered: 02/23/2006)
02/23/2006	<u>9</u>	Judge Reginald C. Lindsay : Electronic ORDER entered. ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>56</u> MOTION of Caterpillar Inc. to Strike Portions of the Plaintiffs Opposition to Motion to Dismiss and to Strike Certain Attachments and <u>53</u> MOTION of Caterpillar, Inc. to Dismiss Second Amended Complaint Action on motion: The motion to dismiss counts I and II of the second amended complaint is granted. Because neither the magistrate judge nor I have relied on the documents attached to the plaintiff's opposition, the motion to strike those documents and the portion of the opposition referring to

		them is moot.(Lindsay, Reginald) (Entered: 02/23/2006)
02/23/2006	●	Documents terminated: <u>84</u> REPORT AND RECOMMENDATIONS re <u>56</u> MOTION to Strike <u>55</u> Opposition to Motion, filed by Caterpillar Inc. <u>53</u> MOTION to Dismiss Second Amended Complaint filed by Caterpillar Inc., Recommendation: Allow In Part (Lindsay, Reginald) (Entered: 02/23/2006)
02/24/2006	●99	ANSWER to Amended Complaint <i>Count III</i> by Caterpillar Inc..(Grunert, John) (Entered: 02/24/2006)
03/01/2006	●100	MOTION to Amend <i>Complaint and to Alter or Amend this Court's Order Dated February 26, 2006 and Local Rule 7.1 Certificate and Request for Oral Argument</i> by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G-Part 1 of 2# <u>8</u> Exhibit G-Part 2 of 2# <u>9</u> Exhibit H# <u>10</u> Exhibit A to Exhibit H# <u>11</u> Exhibit B to Exhibit H# <u>12</u> Exhibit C to Exhibit H# <u>13</u> Exhibit D to Exhibit H# <u>14</u> Exhibit E to Exhibit H# <u>15</u> Exhibit F to Exhibit H# <u>16</u> Exhibit I# <u>17</u> Exhibit J# <u>18</u> Exhibit K# <u>19</u> Exhibit L# <u>20</u> Exhibit M# <u>21</u> Exhibit N# <u>22</u> Exhibit O# <u>23</u> Exhibit P# <u>24</u> Exhibit Q)(Samito, Christian) (Entered: 03/01/2006)
03/06/2006	●101	Opposition re <u>100</u> MOTION to Amend <i>Complaint and to Alter or Amend this Court's Order Dated February 26, 2006 and Local Rule 7.1 Certificate and Request for Oral Argument</i> filed by Caterpillar Inc.. (Attachments: # <u>1</u> Exhibit A)(Grunert, John) (Entered: 03/06/2006)
03/17/2006	●102	MOTION for Summary Judgment <i>on All Remaining Claims, Statement of Undisputed Material Facts, Certificate of Conference of Counsel, and Request for Hearing</i> by Caterpillar Inc..(Grunert, John) (Entered: 03/17/2006)
03/17/2006	●103	MEMORANDUM in Support re <u>102</u> MOTION for Summary Judgment <i>on All Remaining Claims, Statement of Undisputed Material Facts, Certificate of Conference of Counsel, and Request for Hearing</i> filed by Caterpillar Inc.. (Grunert, John) (Entered: 03/17/2006)
03/17/2006	●104	APPENDIX/EXHIBIT to <i>Motion for Summary Judgment</i> by Caterpillar Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L# <u>13</u> Exhibit M# <u>14</u> Exhibit N) (Grunert, John) (Entered: 03/17/2006)
03/29/2006	●105	MOTION for Extension of Time to April 18, 2006 to File Opposition to CAT Motion for Summary Judgment by Trans-Spec Truck Service Inc.. (Samito, Christian) (Entered: 03/29/2006)
03/30/2006	●106	Judge Reginald C. Lindsay : ORDER entered. REFERRING MOTION <u>90</u> MOTION for Sanctions , <i>and Certificate of Conference</i> filed by Caterpillar Inc.,, <u>98</u> MOTION for Hearing re <u>90</u> MOTION for Sanctions , <i>and Certificate of Conference</i> filed by Caterpillar Inc.,, <u>102</u> MOTION for Summary Judgment <i>on All Remaining Claims, Statement of Undisputed Material Facts, Certificate of Conference of Counsel, and Request for</i>

		<i>Hearing</i> filed by Caterpillar Inc., <u>87</u> Emergency MOTION to Compel <i>Production of Documents and to Extend Discovery Period</i> filed by Trans-Spec Truck Service Inc., <u>100</u> MOTION to Amend <i>Complaint and to Alter or Amend this Court's Order Dated February 26, 2006 and Local Rule 7.1 Certificate and Request for Oral Argument</i> filed by Trans-Spec Truck Service Inc., to Magistrate Judge Joyce London Alexander (Hourihan, Lisa) (Entered: 03/30/2006)
03/30/2006	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>105</u> Motion for Extension of Time to File Response to Summary Judgment to 4/18/06 (Hourihan, Lisa) (Entered: 03/30/2006)
04/11/2006	●	Magistrate Judge Joyce London Alexander : Electronic ORDER entered granting <u>98</u> MOTION for Hearing re <u>90</u> MOTION for Sanctions, and Certificate of Conference by Caterpillar Inc. (Lovett, Jarrett) (Entered: 04/11/2006)
04/11/2006	●	ELECTRONIC NOTICE of Hearing on Motion <u>100</u> MOTION to Amend <i>Complaint and to Alter or Amend this Court's Order Dated February 26, 2006 and Local Rule 7.1 Certificate and Request for Oral Argument</i> , <u>90</u> MOTION for Sanctions , and <i>Certificate of Conference</i> , <u>102</u> MOTION for Summary Judgment <i>on All Remaining Claims, Statement of Undisputed Material Facts, Certificate of Conference of Counsel, and Request for Hearing</i> , <u>87</u> Emergency MOTION to Compel <i>Production of Documents and to Extend Discovery Period</i> : Motion Hearing set for 5/4/2006 03:30 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Lovett, Jarrett) (Entered: 04/11/2006)
04/13/2006	● <u>107</u>	MOTION for Hearing <i>To Change Date</i> by Trans-Spec Truck Service Inc..(Samito, Christian) (Entered: 04/13/2006)
04/14/2006	● <u>108</u>	RESPONSE to Motion re <u>107</u> MOTION for Hearing <i>To Change Date</i> filed by Caterpillar Inc.. (Grunert, John) (Entered: 04/14/2006)
04/14/2006	●	Magistrate Judge Joyce London Alexander : Electronic ORDER entered granting <u>107</u> MOTION for Hearing <i>To Change Date</i> by Trans-Spec Truck Service Inc. (Lovett, Jarrett) (Entered: 04/14/2006)
04/14/2006	●	Set/Reset Hearing on Motions as to <u>100</u> MOTION to Amend <i>Complaint and to Alter or Amend this Court's Order Dated February 26, 2006 and Local Rule 7.1 Certificate and Request for Oral Argument</i> , <u>90</u> MOTION for Sanctions , and <i>Certificate of Conference</i> , <u>102</u> MOTION for Summary Judgment <i>on All Remaining Claims, Statement of Undisputed Material Facts, Certificate of Conference of Counsel, and Request for Hearing</i> , <u>87</u> Emergency MOTION to Compel <i>Production of Documents and to Extend Discovery Period</i> . Motion Hearing reset for 5/3/2006 02:00 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Lovett, Jarrett) (Entered: 04/14/2006)
04/18/2006	● <u>109</u>	APPENDIX/EXHIBIT <i>OPPOSITION TO CATERPILLAR INC.'S MOTION FOR SUMMARY JUDGMENT AND AFFIDVIT OF CHRISTIAN G. SAMITO, ESQ.</i> by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u>



		Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L# <u>13</u> Exhibit M# <u>14</u> Exhibit N - PART 1# <u>15</u> Exhibit N - PART 2# <u>16</u> Exhibit O# <u>17</u> Exhibit P# <u>18</u> Exhibit Q# <u>19</u> Exhibit R# <u>20</u> Exhibit S)(Samito, Christian) (Entered: 04/18/2006)
04/18/2006	<u>110</u>	Opposition re <u>102</u> MOTION for Summary Judgment <i>on All Remaining Claims, Statement of Undisputed Material Facts, Certificate of Conference of Counsel, and Request for Hearing</i> filed by Trans-Spec Truck Service Inc.. (Samito, Christian) (Entered: 04/18/2006)
04/18/2006	<u>111</u>	STATEMENT of facts <i>IN RESPONSE TO CATERPILLAR'S STATEMENT OF UNDISPUTED [SIC] MATERIAL FACTS.</i> (Samito, Christian) (Entered: 04/18/2006)
05/12/2006		ELECTRONIC NOTICE of Rescheduling Hearing on Motion <u>100</u> MOTION to Amend <i>Complaint and to Alter or Amend this Court's Order Dated February 26, 2006 and Local Rule 7.1 Certificate and Request for Oral Argument</i> , <u>90</u> MOTION for Sanctions , <i>and Certificate of Conference</i> , <u>102</u> MOTION for Summary Judgment <i>on All Remaining Claims, Statement of Undisputed Material Facts, Certificate of Conference of Counsel, and Request for Hearing</i> , <u>87</u> Emergency MOTION to Compel <i>Production of Documents and to Extend Discovery Period</i> : Motion Hearing reset for 5/31/2006 02:00 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Lovett, Jarrett) (Entered: 05/12/2006)
05/15/2006	<u>112</u>	MOTION to Strike <u>110</u> Opposition to Motion ( <i>Certain Exhibits</i> ) for Summary Judgment by Caterpillar Inc..(Grunert, John) (Entered: 05/15/2006)
05/16/2006	<u>113</u>	MOTION re <u>90</u> MOTION for Sanctions , <i>and Certificate of Conference</i> by Caterpillar Inc..(Grunert, John) (Entered: 05/16/2006)
05/18/2006	<u>114</u>	MOTION for Leave to File <i>Reply Memorandum in Support of Its Motion for Summary Judgment on All Remaining Claims</i> by Caterpillar Inc.. (Grunert, John) Additional attachment(s) added on 5/18/2006 (York, Steve). (Entered: 05/18/2006)
05/18/2006	<u>115</u>	Opposition re <u>113</u> MOTION re <u>90</u> MOTION for Sanctions , <i>and Certificate of Conference and Request for Oral Argument</i> filed by Trans-Spec Truck Service Inc.. (Samito, Christian) (Entered: 05/18/2006)
05/19/2006	<u>116</u>	Opposition re <u>112</u> MOTION to Strike <u>110</u> Opposition to Motion ( <i>Certain Exhibits</i> ) for Summary Judgment <i>and Request for Oral Argument</i> filed by Trans-Spec Truck Service Inc.. (Samito, Christian) (Entered: 05/19/2006)
05/22/2006	<u>117</u>	Opposition re <u>114</u> MOTION for Leave to File <i>Reply Memorandum in Support of Its Motion for Summary Judgment on All Remaining Claims</i> filed by Trans-Spec Truck Service Inc.. (Samito, Christian) (Entered: 05/22/2006)
05/24/2006		Magistrate Judge Joyce London Alexander : Electronic ORDER entered



		denying <u>113</u> MOTION FOR AN ORDER REQUIRING PRODUCTION OF CERTAIN EVIDENCE AT MOTION HEARING re <u>90</u> MOTION for Sanctions, and Certificate of Conference by Caterpillar Inc (Lovett, Jarrett) (Entered: 05/24/2006)
05/24/2006	●	Magistrate Judge Joyce London Alexander : Electronic ORDER entered granting <u>114</u> MOTION for Leave to File Reply Memorandum in Support of Its Motion for Summary Judgment on All Remaining Claims by Caterpillar Inc. (Lovett, Jarrett) (Entered: 05/24/2006)
05/31/2006	●	ElectronicClerk's Notes for proceedings held before Magistrate Judge Joyce London Alexander : Atty's Reimer & Samito for the Pltff, Atty Grunert along with Associate, Atty Parkerson for the Deft. Motion Hearing held on 5/31/2006 re <u>90</u> MOTION for Sanctions , and <i>Certificate of Conference</i> filed by Caterpillar Inc., <u>102</u> MOTION for Summary Judgment <i>on All Remaining Claims, Statement of Undisputed Material Facts, Certificate of Conference of Counsel, and Request for Hearing</i> filed by Caterpillar Inc., <u>87</u> Emergency MOTION to Compel <i>Production of Documents and to Extend Discovery Period</i> filed by Trans-Spec Truck Service Inc., <u>100</u> MOTION to Amend <i>Complaint and to Alter or Amend this Court's Order Dated February 26, 2006 and Local Rule 7.1 Certificate and Request for Oral Argument</i> filed by Trans-Spec Truck Service Inc.: Parties give oral arguments as to each motion, the Court takes Motions Under Advisement. An order shall issue as to deposition and request for document's issue. (Digital Recording 2:11PM-2:56PM - 3:15PM-3:22PM.) (Lovett, Jarrett) (Entered: 06/01/2006)
05/31/2006	●	Magistrate Judge Joyce London Alexander : Electronic ORDER entered: It is hereby ordered that the depositions noticed by Trans- Spec be taken on or before June 30, 2006, notwithstanding the objection of Caterpillar's counsel, who it must be noted, requested sanctions for preparing for the depositions. The documents requested by Trans-Spec, must be produced by June 14, 2006. (Lovett, Jarrett) (Entered: 06/01/2006)
06/01/2006	● <u>118</u>	Letter/request (non-motion) from John A.K. Grunert. (Grunert, John) (Entered: 06/01/2006)
06/01/2006	● <u>119</u>	Letter/request (non-motion) from Christian G. Samito. (Samito, Christian) (Entered: 06/01/2006)
06/06/2006	● <u>120</u>	TRANSCRIPT of Motion Hearing held on May 31, 2006 before Judge Alexander. Digital Recording: Transcribed by Apex Reporting. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting Apex at 617/426-3077 or the Clerk's Office. (Scalfani, Deborah) Modified on 6/9/2006 (Scalfani, Deborah). (Entered: 06/08/2006)
06/09/2006	● <u>121</u>	MOTION for Reconsideration re Order, <i>on Plaintiff's Emergency Motion to Extend the Discovery Deadline and to Require Production of Documents</i> by Caterpillar Inc..(Grunert, John) (Entered: 06/09/2006)
06/09/2006	● <u>122</u>	MEMORANDUM in Support re <u>121</u> MOTION for Reconsideration re Order, <i>on Plaintiff's Emergency Motion to Extend the Discovery</i>

		<i>Deadline and to Require Production of Documents</i> filed by Caterpillar Inc.. (Grunert, John) (Entered: 06/09/2006)
06/09/2006	<u>123</u>	MOTION to Stay re Order, <i>Requiring the Production of Expert Documents and the Taking of Expert Depositions</i> by Caterpillar Inc.. (Grunert, John) (Entered: 06/09/2006)
06/09/2006	<u>124</u>	MEMORANDUM in Support re <u>123</u> MOTION to Stay re Order, <i>Requiring the Production of Expert Documents and the Taking of Expert Depositions</i> filed by Caterpillar Inc.. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2)(Grunert, John) (Entered: 06/09/2006)
06/09/2006	<u>125</u>	EXHIBIT re <u>123</u> MOTION to Stay re Order, <i>Requiring the Production of Expert Documents and the Taking of Expert Depositions</i> by Caterpillar Inc.. (Grunert, John) (Entered: 06/09/2006)
06/09/2006	<u>126</u>	EXHIBIT re <u>123</u> MOTION to Stay re Order, <i>Requiring the Production of Expert Documents and the Taking of Expert Depositions Exhibit 2</i> by Caterpillar Inc.. (Grunert, John) (Entered: 06/09/2006)
06/09/2006	<u>127</u>	EXHIBIT re <u>123</u> MOTION to Stay re Order, <i>Requiring the Production of Expert Documents and the Taking of Expert Depositions Exhibits 2B, 2C and 2D</i> by Caterpillar Inc.. (Grunert, John) (Entered: 06/09/2006)
06/09/2006	<u>128</u>	EXHIBIT re <u>123</u> MOTION to Stay re Order, <i>Requiring the Production of Expert Documents and the Taking of Expert Depositions Exhibit 2A</i> by Caterpillar Inc.. (Grunert, John) (Entered: 06/09/2006)
06/09/2006	<u>129</u>	EXHIBIT re <u>124</u> Memorandum in Support of Motion to Stay Magistrate's Order <i>Requiring the Production of Expert Documents and the Taking of Expert Depositions</i> by Caterpillar Inc.. (Grunert, John) (Entered: 06/09/2006)
06/09/2006	<u>130</u>	EXHIBIT re <u>124</u> Memorandum in Support of Motion to Stay by Caterpillar Inc.. (Grunert, John) (Entered: 06/09/2006)
06/09/2006	<u>131</u>	EXHIBIT re <u>124</u> Memorandum in Support of Motion by Caterpillar Inc.. (Grunert, John) (Entered: 06/09/2006)
06/09/2006	<u>132</u>	EXHIBIT re <u>122</u> Memorandum in Support of Motion for <i>Reconsideration</i> by Caterpillar Inc.. (Grunert, John) (Entered: 06/09/2006)
06/09/2006	<u>133</u>	EXHIBIT re <u>122</u> Memorandum in Support of Motion for <i>Reconsideration</i> by Caterpillar Inc.. (Grunert, John) (Entered: 06/09/2006)
06/09/2006	<u>134</u>	Opposition re <u>121</u> MOTION for Reconsideration re Order, <i>on Plaintiff's Emergency Motion to Extend the Discovery Deadline and to Require Production of Documents</i> , <u>123</u> MOTION to Stay re Order, <i>Requiring the Production of Expert Documents and the Taking of Expert Depositions</i> filed by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit Exh A to exh. A# <u>3</u> Exhibit Exh B to exh. A# <u>4</u> Exhibit Exh C to exh A# <u>5</u> Exhibit Exh D to exh. A# <u>6</u> Exhibit Exh E to exh. A# <u>7</u> Exhibit

		Exh F to exh A# <u>8</u> Exhibit Exh G to exh A# <u>9</u> Exhibit Exh. B# <u>10</u> Exhibit Exh Aff to Exh B# <u>11</u> Exhibit Exh A part 1 of 3 to exh. B# <u>12</u> Exhibit Exh A part 2 of 3 to exh. B# <u>13</u> Exhibit Exh A part 3 of 3 to exh. B# <u>14</u> Exhibit Exh B to exh. B# <u>15</u> Exhibit Exh. C to exh. B# <u>16</u> Exhibit Exh D to exh. B# <u>17</u> Exhibit Exh. E to exh B# <u>18</u> Exhibit Exh F to exh. B# <u>19</u> Exhibit Exh C and Exh D)(Samito, Christian) (Entered: 06/09/2006)
06/09/2006	<u>135</u>	Magistrate Judge Joyce London Alexander : ORDER entered granting <u>87</u> Emergency MOTION to Compel Production of Documents and to Extend Discovery Period by Trans-Spec Truck Service Inc., denying <u>90</u> MOTION for Sanctions, and Certificate of Conference by Caterpillar Inc., denying <u>100</u> MOTION to Amend Complaint and to Alter or Amend this Court's Order Dated February 26, 2006 and Local Rule 7.1 Certificate and Request for Oral Argument by Trans-Spec Truck Service Inc. A separate Report and Recommendation as to <u>102</u> MOTION for Summary Judgment on All Remaining Claims, Statement of Undisputed Material Facts, Certificate of Conference of Counsel, and Request for Hearing by Caterpillar Inc. shall issue. (Lovett, Jarrett) (Entered: 06/12/2006)
06/14/2006	<u>136</u>	Objection by Trans-Spec Truck Service Inc. <i>to the Magistrate Judge's Order on its Motion to Amend Complaint and to Alter or Amend this Court's Order Dated February 26, 2006.</i> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit B with attached Exhibits A-C# <u>4</u> Exhibit B with attached Exhibits D-E# <u>5</u> Exhibit B with attached Exhibit F# <u>6</u> Exhibit B with attached Exhibit G (Part 1 of 2)# <u>7</u> Exhibit B with attached Exhibit G (Part 2 of 2)# <u>8</u> Exhibit B with attached Exhibits H-I# <u>9</u> Exhibit B with attached Exhibits J-L# <u>10</u> Exhibit B with attached Exhibits M-Q# <u>11</u> Exhibit C)(Samito, Christian) (Entered: 06/14/2006)
06/14/2006		ELECTRONIC NOTICE issued requesting courtesy copy for <u>136</u> Objection,,. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by. <b>These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF.</b> (York, Steve) (Entered: 06/14/2006)
06/15/2006		Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>121</u> Motion for Reconsideration, denying <u>123</u> Motion to Stay (Hourihan, Lisa) (Entered: 06/15/2006)
06/19/2006	<u>137</u>	<i>Opposition</i> Response by Caterpillar Inc. to <u>136</u> Objection,,. (Attachments: # <u>1</u> Exhibit 1 - Part 1# <u>2</u> Exhibit 1 - Part 2# <u>3</u> Exhibit 2# <u>4</u> Exhibit 3# <u>5</u> Exhibit 4# <u>6</u> Exhibit 5)(Grunert, John) (Entered: 06/19/2006)
06/19/2006	<u>138</u>	MOTION for Reconsideration re <u>135</u> Order on Motion to Compel,,. Order on Motion for Sanctions,,. Order on Motion to Amend,,. <i>Motion for Sanctions Only</i> by Caterpillar Inc.. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2 - Part 1# <u>3</u> Exhibit 2 - Part 2# <u>4</u> Exhibit 3# <u>5</u> Exhibit 4# <u>6</u> Exhibit 5# <u>7</u> Exhibit 6)(Grunert, John) (Entered: 06/19/2006)



06/22/2006	139	Opposition re <u>138</u> MOTION for Reconsideration re <u>135</u> Order on Motion to Compel,,, Order on Motion for Sanctions,,, Order on Motion to Amend,, <i>Motion for Sanctions Only</i> filed by Trans-Spec Truck Service Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit Exh A to Exh. A# <u>3</u> Exhibit Exh B to Exh A# <u>4</u> Exhibit Exh C to Exh A# <u>5</u> Exhibit Exh D to Exh A# <u>6</u> Exhibit Exh E to Exh A# <u>7</u> Exhibit Exh F to Exh A# <u>8</u> Exhibit Exh G to Exh A# <u>9</u> Exhibit Exh B# <u>10</u> Exhibit Exh A to Exh B# <u>11</u> Exhibit Exh A part 1 of 3 to Exh A to Exh B# <u>12</u> Exhibit Exh A part 2 of 3 to Exh A to Exh B# <u>13</u> Exhibit Exh A part 3 of 3 to Exh A to Exh B# <u>14</u> Exhibit Exh B to Exh B# <u>15</u> Exhibit Exh C to Exh B# <u>16</u> Exhibit Exh D to Exh B# <u>17</u> Exhibit Exh E to Exh B# <u>18</u> Exhibit Exh F to Exh B# <u>19</u> Affidavit of Nancy Reimer to Exh B# <u>20</u> Exhibit Exh C# <u>21</u> Exhibit Exh A to Exh C# <u>22</u> Exhibit Exh A to Exh A to Exh C# <u>23</u> Exhibit Exh B to Exh A to Exh C# <u>24</u> Exhibit Exh C to Exh A to Exh C# <u>25</u> Exhibit Exh D to Exh A to Exh C# <u>26</u> Exhibit Exh E to Exh A to Exh C# <u>27</u> Exhibit Exh F to Exh A to Exh C# <u>28</u> Exhibit Exh G to Exh A to Exh C# <u>29</u> Exhibit Exh B to Exh C# <u>30</u> Exhibit Aff of Chris Samito to Exh B to Exh C# <u>31</u> Exhibit Exh A part 1 of 3 to Exh B to Exh C# <u>32</u> Exhibit Exh A part 2 of 3 to Exh B to Exh C# <u>33</u> Exhibit Exh A part 3 of part 3 to Exh B to Exh C# <u>34</u> Exhibit Exh B to Exh B to Exh C# <u>35</u> Exhibit Exh C to Exh B to Exh C# <u>36</u> Exhibit Exh D to Exh B to Exh C# <u>37</u> Exhibit Exh E to Exh B to Exh C# <u>38</u> Exhibit Exh F to Exh B to Exh C# <u>39</u> Affidavit of Nancy Reimer to Exh B to Exh C# <u>40</u> Exhibit Exh C & D to Exh C# <u>41</u> Exhibit Exh D part 1 of 2# <u>42</u> Exhibit Exh D part 2 of 2# <u>43</u> Exhibit Exh E# <u>44</u> Exhibit Exh F# <u>45</u> Exhibit Exh G)(Samito, Christian) (Entered: 06/22/2006)
06/22/2006		ELECTRONIC NOTICE issued requesting courtesy copy for <u>139</u> Opposition to Motion,,,,,,. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by. <b>These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF.</b> (York, Steve) (Entered: 06/22/2006)
07/26/2006		Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>138</u> Motion for Reconsideration re <u>135</u> Order on Motion to Compel,,, Order on Motion for Sanctions,,, Order on Motion to Amend,, Motion for Sanctions Only by Caterpillar Inc.. (Hourihan, Lisa) (Entered: 07/26/2006)
12/01/2006	140	Magistrate Judge Joyce London Alexander : REPORT AND RECOMMENDATIONS re <u>102</u> MOTION for Summary Judgment <i>on All Remaining Claims filed by Caterpillar Inc.</i> ; <i>Recommendation: Allow</i> (Lovett, Jarrett) (Entered: 12/01/2006)
12/01/2006		Case no longer referred to Magistrate Judge Joyce London Alexander. This case is hereby returned to Judge Reginald C. Lindsay. (Lovett, Jarrett) (Entered: 12/01/2006)
12/11/2006	141	OBJECTION to <u>140</u> Report and Recommendations <i>on Defendant Caterpillar Inc.'s Motion for Summary Judgment on all remaining claims</i> filed by Trans-Spec Truck Service Inc.. (Samito, Christian) (Entered: 12/11/2006)



		12/11/2006)
12/14/2006	● 142	REPLY TO OBJECTION to 140 Report and Recommendations filed by Caterpillar Inc.. (Attachments: # 1 Exhibit # 2 Exhibit 2)(Grunert, John) (Entered: 12/14/2006)
12/14/2006	● 143	Letter/request (non-motion) from Christian Samito, Esquire <i>regarding pending objection dated June 14, 2006</i> . (Samito, Christian) (Entered: 12/14/2006)
01/02/2007	●	Judge Reginald C. Lindsay : Electronic ORDER entered overruling plaintiff's objection (docket # 136) to memorandum and order of magistrate judge (docket # 135) and affirming order of magistrate judge in all respects.(Lindsay, Reginald) (Entered: 01/02/2007)
02/13/2007	●	Judge Reginald C. Lindsay : ORDER entered granting 102 Caterpillar's Motion for Summary Judgment On All Remaining claims in accordance with 140 the Report and Recommendation of Judge Alexander, and finding as moot 112 Caterpillar's Motion to Strike Certain Exhibits. Summary judgment having been entered in favor of the defendant on all counts of the second amended complaint, the clerk shall enter judgment for the defendant dismissing this action and shall terminate the case of the court's docket. (Lindsay, Reginald) (Entered: 02/13/2007)
02/14/2007	● 144	Judge Reginald C. Lindsay : ORDER entered. JUDGMENT in favor of defendant against plaintiff(Hourihan, Lisa) (Entered: 02/14/2007)
02/23/2007	● 145	BILL OF COSTS by Caterpillar Inc.. (Grunert, John) (Entered: 02/23/2007)
02/23/2007	● 146	AFFIDAVIT re 145 Bill of Costs by Caterpillar Inc.. (Attachments: # 1 Exhibit a# 2 Exhibit b# 3 Exhibit C# 4 Errata D# 5 Exhibit e# 6 Exhibit f# 7 Exhibit g# 8 Exhibit h# 9 Exhibit i# 10 Exhibit j# 11 Exhibit k# 12 Exhibit l# 13 Exhibit m# 14 Exhibit n# 15 Exhibit o# 16 Exhibit p# 17 Exhibit q# 18 Exhibit r# 19 Exhibit s)(Grunert, John) (Entered: 02/23/2007)
02/23/2007	● 147	MOTION to Stay re 145 Bill of Costs by Trans-Spec Truck Service Inc.. (Samito, Christian) (Entered: 02/23/2007)
02/23/2007	● 148	Opposition re 147 MOTION to Stay re 145 Bill of Costs filed by Caterpillar Inc.. (Grunert, John) (Entered: 02/23/2007)
02/28/2007	● 149 ERROR see 04.	MOTION of the Plaintiff Trans-Spec Truck Service Inc.. to Stay Action on Caterpillar Inc.'s Application for an award of costs.(York, Steve) Additional attachment(s) added on 3/1/2007 (York, Steve). (Entered: 02/28/2007)
03/01/2007	●	Motions terminated: 149 MOTION to Stay filed by Trans-Spec Truck Service Inc.,. ( This motion was filed twice in this case) (York, Steve) (Entered: 03/01/2007)
03/06/2007	●	Judge Reginald C. Lindsay : Electronic ORDER entered denying 147 Motion to Stay (Hourihan, Lisa) (Entered: 03/06/2007)

03/06/2007	●	Judge Reginald C. Lindsay : ELECTRONIC ENDORSEMENT APPROVING <u>145</u> Bill of Costs filed by Caterpillar Inc., in the amount of \$17,062.58 (Hourihan, Lisa) (Entered: 03/06/2007)
03/06/2007	● <u>150</u>	MOTION for Reconsideration re Electronic Endorsement (non-order) <i>OF THIS COURT'S ORDER DATED MARCH 6, 2007</i> by Trans-Spec Truck Service Inc..(Samito, Christian) (Entered: 03/06/2007)
03/06/2007	● <u>151</u>	NOTICE OF APPEAL by Trans-Spec Truck Service Inc. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerk/transcript.htm">http://www.ca1.uscourts.gov/clerk/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/26/2007. (York, Steve) (Entered: 03/06/2007)
03/06/2007	●	Filing fee: \$ 455, receipt number 78626 for <u>151</u> Notice of Appeal, (York, Steve) (Entered: 03/06/2007)
03/07/2007	● <u>152</u>	RESPONSE to Motion re <u>150</u> MOTION for Reconsideration re Electronic Endorsement (non-order) <i>OF THIS COURT'S ORDER DATED MARCH 6, 2007</i> filed by Caterpillar Inc.. (Grunert, John) (Entered: 03/07/2007)
03/15/2007	●	Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>150</u> Motion for Reconsideration without prejudice because the moving party has failed to comply with Local Rule 7.1. (Hourihan, Lisa) (Entered: 03/15/2007)